

**Appl. No. : 09/818,699**  
**Filed : March 27, 2001**

### **REMARKS**

The April 17, 2007 Office Action was based upon pending Claims 1, 5, 7, 8, 11-14, 16, 17, 19, and 20. This amendment amends Claims 1, 5 and 8 and cancels Claims 11, 16, and 19. Thus, after entry of this amendment, Claims 1, 5, 7, 8, 12-14, 17, and 20 are pending and presented for further consideration.

The Examiner rejects Claims 1, 5, and 8 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. The Examiner also objects to the amendment filed January 1, 2007 for entering new matter to the application. The Examiner objects to the limitations "(checking) in the client computer system" and "wherein the network administrator is independent of the at least one network server". The Applicant notes that these limitations are removed by the amendments of this paper and respectfully requests that the rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

The Examiner also rejects Claims 1, 8, 11-12, 16, 17, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0039659 to Simmons et al. ("the Simmons publication") in view of U.S. Patent Publication No. 2001/0039659 to Brundrett et al. ("the Brundrett patent"). Further, the Office Action rejects Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Simmons in view of Brundrett, and further in view of the article "Applied Cryptography" to Schneier ("the Schneier article"). Further, the Office Action rejects Claims 7, 13, 14 under 35 U.S.C. § 103(a) as being unpatentable over Simmons in view of Brundrett, in view of Schneier, and further in view of U.S. Patent No. 6,094,721 to Eldridge et al. ("the Eldridge patent").

The Applicant respectfully notes that the Simmons system stores decrypted data files and sends encrypted data files to the requestor. Brundrett checks an attribute to determine how to store data files, stores encrypted data files, and sends decrypted data files to the requestor (see lines 34-39 of the Brundrett abstract).

In contrast, Claims 1, 5, and 8 of the subject application recite checking an attribute of the requested file to determine if the requested file is encrypted, and if the requested file is encrypted, sending the encrypted file to the requestor. Neither Simmons, nor Brundrett store encrypted files and send encrypted files to the requestor.

**Appl. No. : 09/818,699**  
**Filed : March 27, 2001**

Claims 1, 5, and 8 further recite notifying a requestor that a returned encrypted file was not encrypted with their key.

The references cited by the Examiner do not disclose, teach or suggest checking an attribute of the requested data to determine whether the requested data is encrypted with an encryption key, wherein the attribute is alterable by a network administrator and, if the requested data is encrypted with the encryption key, sending the encrypted data to the client computer system, and sending a message to the requestor indicating that the requested data is not encrypted with their key when the encryption key used to encrypt the requested data is not associated with the requestor along with the other limitations recited by Claim 1. The Applicant asserts that Claim 1 is not obvious in view of Simmons and Brundrett, alone or in combination. Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 1.

Although Claim 8 has different language than Claim 1, Claim 8 is believed to be patentable for similar reasons and because of the different features recited therein.

Claim 12, which depends from Claim 1 and Claim 20, which depends from Claim 8, are believed to be patentable for the same reasons articulated above with respect to Claims 1 and 8, respectively, and because of the additional features recited therein.

By this amendment, Applicant has canceled Claims 10, 15, and 18 without prejudice or disclaimer. Accordingly, Applicant respectfully requests the Examiner withdraw the objection under 35 U.S.C. § 103(a).

The Office Action rejects Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the Simmons publication in view of the Brundrett patent, and further in view of the Schneier article.

As noted above, Simmons stores decrypted data files and sends encrypted data files to the requestor (see abstract). Brundrett checks an attribute to determine how to store data files, stores encrypted data files, and sends decrypted data files to the requestor (see lines 34-39 of the abstract). Schneier does not teach storing encrypted data files and sending encrypted data files to the requestor.

However, an embodiment of the invention checks an attribute of the requested file to determine if the requested file is encrypted, and if the requested file is encrypted,

**Appl. No. : 09/818,699**  
**Filed : March 27, 2001**

send the encrypted file to the requestor. None of Simmons, Brundrett, nor Schneier store encrypted files and send encrypted files to the requestor.

Because the references cited by the Examiner do not disclose, teach or suggest checking an attribute of the requested data to determine whether the requested data is encrypted with an encryption key, wherein the attribute is alterable by a network administrator and, if the requested data is encrypted with the encryption key, sending the encrypted data to the client computer system, along with the other attributes of independent Claim 5, Applicant asserts that Claim 5 is not obvious in view of Simmons, Brundrett, and Schneier, alone or in combination. Applicant therefore respectfully submits that Claim 5 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 5.

The Office Action rejects Claims 7, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over the Simmons publication in view of the Brundrett patent, in view of the Schneier article, and further in view of the Eldridge patent.

Eldridge teaches a system for handling current and non-current passwords in a client/server environment. However Eldridge fails to disclose the combination of features recited in the base Claims 1 and 5. Claims 13 and 14, which depend from Claim 1, and Claim 7, which depends from Claim 5, are believed to be patentable for the same reasons articulated above with respect to Claims 1 and 5, respectively, and because of the additional features recited therein.

Appl. No. : 09/818,699  
Filed : March 27, 2001

### **CONCLUSION**

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 17, 2007

By: 

James W. Ausley  
Registration No. 49,076  
Agent of Record  
Customer No. 20,995  
(949) 760-0404